**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**

**WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929**

**Crl.Rev.Pet.No. 241 of 2000()**

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**CRL.A.NO.16/99 ON THE FILE OF IIIRD ADDL.SESSIONS JUDGE, ERNAKULAM**
**C.C.NO.326/95 ON THE FILE OF JUDL.FIRST CLASS MAGISTRATE, KOCHI**

**REVN. PETITIONER/APPELLANT/ACCUSED:**
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**SASI,S/O.DHOODHACHAN,THEKKETHERUVILVEETTIL,**
**PANIKKARUPADIBAGAM,PUTHUVYPPU VILLAGE.**

**BY ADV. SRI.A.X.VARGHESE**

**RESPONDENTS:**
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**1.SUB INSPECTOR OF POLICE, NARKKAL POLICE STATION,**
**NARAKKAL.**

**2.STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**J.B.KOSHY, J.**

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**Criminal R.P.No.241 OF 2000 ()**

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**Dated this the 26th day of September, 2007**

**O R D E R**

Revision petitioner is the accused in C.C.No.326/1995 on the file of the Judicial First Class Magistrate Court-I, Kochi. The allegation against him was that on 6.4.1995, in the evening at about 5.30 p.m., accused came to the shed of PW1 and quarrelled with one Alphonse. About half and hour later when PW1 went out of his shed accused assaulted him with a knife causing injury on the forehead and left and right side of his body and PW1 wrested the knife from him and produced it before the Police. PW2 is the occupier of the shed next to the shed of PW1 who supported the evidence of PW1. PW4 is the Head Constable who recorded the F.I.Statement that PW1 reported the police with the knife. Even though PW6 turned hostile with regard to seizure of MO1, he admitted that he had signed the mahazer. From the evidence, the trial court and appellate court concurrently found that accused is guilty under

Section 324 of the Indian Penal Code. Since PW1's evidence was supported by PW2 and MO1 was also produced, we are of the opinion that no grounds are made out to interfere in the conviction by exercising revisional jurisdiction as it cannot be stated that findings are perverse or illegal. But at the same time, Doctor was not examined. In these circumstances, I alter the sentence. In stead of rigorous imprisonment of six months, I sentence the accused with a fine of Rs.1,000/- and on default of payment to undergo simple imprisonment for one month. Hence confirming the conviction and altering the sentence this revision petition is disposed of.

**J.B.KOSHY, JUDGE**

**prp**

**J.B.KOSHY**

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**Criminal.R.P.241 OF 2000**

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**O R D E R**

**26th September, 2007**